# SIKKIM

# GOVERNMENT GAZETTE

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**GOVERNMENT OF SIKKIM**
**DEPTT. OF PERSONNEL, ADM. REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME**
**GANGTOK**

**No. 105 /GEN/DOP** **Dated: 1.6.2007**

**NOTIFICATION**

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules, namely:-

***Short title and commencement***

1. (1) These rules may be called the Sikkim Revenue Service Rules 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

***Definition***

2. In these rules, unless the context otherwise requires:
(a) "appointed day" means the date on which these rules shall come into force;
(b) "Board" means the Selection Board constituted by the Government by a notification published in the Official Gazette;
(c) "Commission" means the Sikkim Public Service Commission;
(d) "Government" means the Government of Sikkim.
(e) "Cadre post" means any post whether permanent or temporary, included in the Schedules;
(f) "Controlling authority", means the Department of Personnel, Administration Reforms and Training;
(g) "Governor" means the Governor of Sikkim;
(h) "member" means a member of the service;
(i) "service" means the Sikkim Revenue Service constituted under these rules;
(j) "Schedules" means the schedules appended to these rules;
(k) "Year" means the financial year commencing on 1st day of April and ending on 31st March.

***Constitution of service***

3. (1) There shall be constituted a service called the Sikkim Revenue Service as specified in Schedule 1.
(2) The authorized strength and composition of each of the grades shall be as indicated in column 5 of Schedule I at its initial constitution and shall be determined by the Government from time to time.

***Appointments and postings***

4. (1) All appointments to the posts in the service shall be made by the Governor by one or other of the methods, herein below, specified.
(2) No post in the service shall be filled otherwise than by a member. Any post in the service may be filled as a temporary measure by a person other than a member if the Government is satisfied that there is no suitable member of the service available for filling the post.

***Initial constitution of the service***

5. All persons holding, on appointed day, the post included in the service, otherwise than on a purely temporary arrangement or on contract shall be deemed to have been absorbed in the service on the appointed day:

Provided that any such person may within sixty days of the date of notification exercise an option not to be so absorbed in the service and option once exercised shall be final.

Provided further, that failure to exercise option as aforesaid within specified period shall be construed as the exercise of option in favour of absorption in the service.

Provided also that any person holding on appointed day, the post included in the service on deputation from other service of the state, who is a permanent or regular member of such services, may be deemed to have been absorbed in the service on the appointed day, subject to production of a certificate of consent for absorption in the Sikkim Revenue Service , issued with concurrence of the Department of Personnel Administrative Reforms and Training, by the parent department to which such person belonged, and also subject to first and second proviso to this rule."

***Method of recruitment***

6. (1) Subject to rule 5, recruitment to service shall after the appointed day, be made by the following methods, namely:-
(a) direct recruitment by competitive examination to be held by the Commission;
(b) by promotion in accordance with column (4) of Schedule II.

(2) The proportion of vacancies to be filled in any year in accordance with clause (a) and (b) of sub-rule (1) shall be in accordance with Government order as deemed fit;

Provided, that the number of persons recruited under clause (b) of sub-rule (1) shall not at any time exceed fifty percent of the total strength of the service.

***Recruitment by competitive examination***

7. (1) A competitive examination for recruitment to the service shall be held at such intervals as the Government may fromtime to time, determine.
(2) The examination shall be conducted by the Commission in accordance with such rules and syllabus as may be made by the Government, from time to time.
(3) The Commission shall forward to the Government a list, arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine.
(4) The inclusion of a candidate's name in the list prepared under sub-rule (3) of these rules shall confer no right to appointment to the service.

***Conditions of eligibility for appearing in the competitive examination***

8. In order to be eligible to compete at the competitive examination a candidate must satisfy the conditions, as specified in Schedule II.

***Attempts at the examination***

9. No candidate shall be permitted to appear or compete more than four times in the competitive examination.

***Disqualification for admission to examination***

10. Any attempt on the part of the candidate to obtain support for his candidate by any means shall render him liable to be disqualified for admission to the competitive examination or interview by the Commission.

***Commission's decision final***

11. The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination or interview shall be final. A candidate to whom a certificate for admission to the examination has not been issued by the Commission shall not be admitted to the examination.

***Appointment from the list***

12. Subject to the provisions of rules 13, 14 and 15, candidates shall be considered for appointment to the available vacancies in the order of merit in which their names appear in the list.

***Disqualification for appointment on ground of plural marriage***

13. No person:-
(a) who has entered into or contracted marriage with a person having a spouse living, or
(b) who, having spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided, that the Government may, if satisfied that such marriage is permissible under the personal law or custom applicable to such person and the other party to the marriage, exempting person from the operation of these rules.

***Penalty for impersonation, etc***

14. A candidate, who is or has been declared by the Commission guilty of impersonation of submitting false or fabricated documents which have been tampered with or of making statements which are incorrect or false, or suppressing material information or of using or attempting to use unfair means in the examination shall, or otherwise resorting to any other irregular or improper means for obtaining admission to the examination may in addition to rendering himself liable to criminal prosecution be debarred either permanently or by a specified periods;-

(a) by the Commission from admission to any examination or appearance at any interview held by the Commission for selection of candidates; and
(b) by the Government from employment under the Government.

***Disqualification for appointment on medical ground.***

15. No candidate shall be appointed to the service who, after such medical examination, as the Government may specify is not found to be physically and mentally fit and free from any mental or physical defect likely to interfere with the discharge of the duties of the post.

***Recruitment by promotion***

16. (1) The Government shall, for the purpose of promotion to the Junior Grade posts in the service under clause (b) of sub-rule (1) of rule 6, prepare a list of names of persons in order of seniority who have on the first day of that year, completed not less than six years of continuous service under the Government in a post of Inspector, as the case may be.

(2) The Government shall forward to the Commission the list of persons referred to in sub-rule (1) together with their ACR and service records for the preceding six years along with upto date Annual Property Returns indicating the anticipated number of vacancies to be filled by promotion in course of the period of twelve months commencing from the date of preparation of the list.

(3) The Commission shall prepare a final list of persons who are found suitable for promotion to the service on an overall relative assessment of their service records including annual confidential reports & interview based on written examination.

(4) The number of persons to be included in this list shall not exceed twice the number of vacancies to be filled by promotion.

(5) The Commission shall forward the final list prepared under sub-rule (3) of these rules to the Government alongwith all the confidential rolls, service records and up to date property returns received from the Government.

(6) The list shall ordinarily be in force for a period of twelve months from the date of the recommendation of the Commission.
(7) Appointment of person included in the list of the service shall be made by the Government, in the order of merit in which the names of the persons appear in the list.
(8) It shall not be ordinarily necessary to consult the Commission before such appointment is made unless during the period of twelve months from the date of recommendation of the Commission there occurs deterioration in the work of the person which in the opinion of the Government is such as to render him unsuitable for appointments to the service

***Probation***

17. (1) Every person recruited to the service by competitive examination shall be appointed to the service on probation for a period of two years.
(2) Every person recruited to the service by promotion shall be appointed to the service on probation for a period of one year.
(3) The Government may, if it so thinks fit, in any case or class of cases, extend the probation period not exceeding three years.

***Discharge of a probationer***

18. A probationer shall be liable to be discharged from the service or, as the case may be, reverted to his substantive post if;-
(a) he fails to pass in the Departmental Examination; or
(b) the Government is satisfied that the probationer was ineligible for recruitment to the service or is unsuitable forbeing a member of the service; or'
(c) he is found lacking in qualities of mind and character needed for the service or in the constructive outlook and human sympathy needed in the public services generally; or
(d) he fails to comply with any of the provisions of these rules.

***Execution of agreement***

19. A probationer who has been appointed to the service by competitive examination shall on appointment to the service execute an agreement in the form as may be specified by the Government binding himself and one surety, jointly or severally, in the event of his failing to comply with any of the provisions of these rules to the satisfaction of the Government to refund any money paid to him consequent on his appointment as probationer.

***Training***

20. (1) A probationer, who is appointed to the service, shall on appointment to the service, undergo such training and for such period as the Government may direct.

(2) All the members of the service shall, in a span of every two years, undergo one training course successfully either at Accounts & Administrative Training Institute, Gangtok or State Institute of Rural Development, Karfectar or any other training institute outside the State. The requirement of undergoing this training will be applicable only upto the age of 50 (fifty) years of the

Government Servant and will be compulsory for promotion of the Government Servant to the next higher grade and failure to undergo such training course will render denial of promotion when due and the next in the line will be considered.

***Confirmation***

21. Where a probationer has completed his period of probation to the satisfaction of the Government he shall, subject to the other provisions of these rules be confirmed in the service at the end of his period of probation.

***Promotion***

22. (1) There shall be a Selection Committee for the purpose of promotion of the members of the service consisting of the following, namely:-

(a) Chairman, Sikkim Public Service Commission.
(b) Member, Sikkim Public Service Commission.
(c) Secretary to the Government in the Department of Personnel, Adm. Reforms and Training.
(d) Secretary, Finance Department.

(2) The Chairman or where the Chairman is unable to attend, a Member of the commission shall preside over the meeting of the Selection Board. The absence of members, other than Chairman or Member of the Commission, shall not invalidate the proceeding of the Commission if more than half the members of the Board had attended the meeting.

(3) The Government shall from time to time for the purpose of sub-rule (1) of these rules prepare a list of names of the members of the service in order of seniority who have completed the prescribed length of service for promotion to next higher grade on the first day of that year.

(4) The Government shall forward to the Commission the list prepared under sub-rule (3) of these rules along with the confidential rolls and service records of the periods the member of the service has to complete the required number of years of service for promotion along with up to date Annual Property Returns indicating the anticipated vacancies to be filled by promotion in course of twelve months commencing from the date of preparation of the list.

(5) The Commission after satisfying themselves that the records and information complete in all respects have been received will convene a meeting of the Selection Committee. The Committee shall prepare a final list of officers who are found suitable for promotion on an overall relative assessment of their confidential reports and service records.

(6) The Commission shall forward the list prepared under sub-rule (5) of these rules to the Government along with all the

character rolls, service records and annual property returns received by the Government.

(7) The number of persons to be included in the list shall not exceed twice the number of vacancies to be filled by promotion.

(8) The list shall ordinarily be in force for a period of twelve months from the date of recommendation of the Commission.

(9) Promotion of persons included in the list to the relevant higher grade shall be made by the Government in the order in which names of the members appear in the list.

(10) It shall not be ordinarily necessary to consult the Commission before such appointments are made unless during the period of twelve months from the date of recommendation of the Commission there occurs deterioration in the work of the member of the service which in the opinion of the Government is such as to render him unsuitable for promotion to the higher grade.

***Seniority*** 23. (1) The seniority of the members appointed to the service at the initial constitution shall be such as existed on the appointed day.

(2) The persons deemed to have been appointed to the service under rule 5 shall rank as senior to all those appointed under rule 6.

(3) The inter-seniority of the person recruited to the service through competitive examination shall be in the same order in which their names appear in the merit list forwarded by the Commission under sub-rule (3) of rule 7.

(4) The inter-seniority of the persons appointed to the service by promotion shall be in which their names appear in the list prepared under sub-rule (3) of rule 16 and forwarded by the Commission to the Government.

(5) The relative inter-seniority of persons recruited to the service through competitive examination and appointed to the service by promotion shall be determined according to the rotation of vacancies between direct recruit and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in these rules.

***Explanation*** A roster shall be maintained based on the reservation for direct recruitment and promotion in these rules. The roster shall run as follows:-

(1) Promotion
(2) Direct Recruitment
(3) Direct recruitment and so on. Appointment shall be made in accordance with the roster and seniority determined accordingly.
(4) Inter-seniority once determined shall not be disturbed except at the time of promotion or in such other circumstances as may be decided by the Controlling authority.

***Administrative Control***

24. (1) The control over the service including appointments, transfer and deputation shall vest with the Government in the Department of Personnel, Administrative Reforms and Trainings.

(2) The headquarters of a member of the service shall not be changed save with the concurrence of the Department of Personnel, Administrative Reforms and Training both for the transfer and for the terms and conditions proposed or stipulated for such transfer.

***Residuary matters***

25. All other matters in relation to the service not specified or for which no provision has been made in these rules shall be regulated by rules and orders applicable to other officers of the Government of equivale . status.

***Interpretation***

26. If any question arises as to interpretation of these rules, the decision of the Government thereon shall be final.

***Power to relax***

27. Where Government is of the opinion that it is necessary or expedient to do so, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or cadre posts.

**BY ORDER AND IN THE NAME OF THE GOVERNOR.**

**C. L. SHARMA,**
**SPECIAL SECRETARY TO THE GOVERNMENT**

## SCHEDULE –I

## (SEE RULE 3)

## STRENGTH AND COMPOSITION OF THE SIKKIM REVENUE SERVICE

| Sl. | Designation of Posts | Grade | Pay Scale | No. of Posts |
|---|---|---|---|---|
| 1. | 2. | 3. | 4. | 5. |
| 1. | Commissioner | Supertime Grade-I | Rs. 17,200-450-21,250 | 01 |
| 2. | Special Commissioner | Supertime Grade-II | Rs. 14300-400-18300 | 01 |
| 3. | Additional Commissioner | Selection Grade-I | Rs. 12500-375-17000 | 01 |
| 4. | Joint Commissioner | Selection Grade-II | Rs. 11000-350-16250 | 04 |
| 5. | Deputy Commissioner | Senior Grade | Rs. 9000-300-13800 | 06 |
| 6. | Assistant Commissioner | Junior Grade | Rs. 7000-225-11500 | 10 |
| | | | **Sub Total=** | **23** |
| 7. | Leave Reserve at the rate of 5% of 23 above | | | 01 |
| 8. | Training Reserve(5% of 23above) | | | 01 |
| 9. | Deputation Reserve (5% of 23 above) | | | 01 |
| | | | **Total=** | **26** |

**SCHEDULE –II**
**(See Rules 6 & 8)**

| Sl.No. | Designation of Posts | Method of Recruitment | Eligibility Condition |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| 1. | Commissioner (Supertime Grade-I) | By Promotion or by deputation from the Civil Service, in case of vacancy. | Persons holding the post of Supertime Grade-II with at least 2 years of service in the grade. |
| 2. | Special Commissioner (Supertime Grade II) | By Promotion | Persons holding the post of Selection Grade-I with at least 2 years of service in the grade. |
| 3. | Additional Commissioner (Selection Grade-I) | By Promotion | Persons holding the post of Selection Grade II with at least 4 years of service in the grade. |
| 4. | Joint Commissioner (Selection Grade II) | By Promotion | Persons holding the posts in Senior Grade with at least 6 years of service in the grade. |
| 5. | Deputy Commissioner (Senior Grade) | By Promotion<br><br>Junior grade. | Person holding the post of Assistant Commissioner/ Income Tax Officer with at least 6 years of service in the |
| 6. | Assistant Commissioner/ Income Tax Officer (Junior Grade) | (a) 50% by promotion through open<br>(b) 50% by direct recruitment through competitive examination<br><br>Inspector-Grade-Ib) | a) Persons holding post of Inspector, Commercial Tax/ Income tax with at least 6 years of Service in the post of<br><br>(i) Minimum educational qualification: a Degree in commerce from a recognized university or such educational qualification as the Government may specify in the official GazetteNotification from time totime.(ii) Age: should have attained the age of 21 years but should not have attained the age of more than 30 years (in the case of Government Servant not more than 40years) on the first day of the year of advertisement. The maximum age limit may be relaxed upto 5 years in respect of candidates belonging to Schedule Caste / Schedule Tribe and 3(Three) years in case of Most Backward Community/ Other Backward Community in accordance with orders issued by the Government from time to time.(iii) Any other conditions that may be prescribed by the Government in consultation with the Board. |